

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

K.S.S.,	:	
	:	
Plaintiff,	:	CIVIL ACTION
v.	:	
	:	
	:	
MONTGOMERY COUNTY BOARD OF	:	NO. 12-816
COMMISSIONERS, MONTGOMERY COUNTY	:	
OFFICE OF CHILDREN AND YOUTH,	:	
COUNTY OF MONTGOMERY, and	:	
THOMAS D. DIAMOND,	:	
	:	
Defendants.	:	
	:	
	:	
	:	

ORDER

AND NOW, this 17th day of May, 2012, upon consideration of Defendant's Motion to Dismiss Counts I, II, III, IV and VIII of Plaintiff's Complaint (Docket No. 4), and Plaintiff's Response in Opposition (Docket No. 5), it is hereby **ORDERED** that Defendant's Motion (Docket No. 4) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendant's Motion to Dismiss the 42 U.S.C. § 1983 claims independently asserted against him in Counts VIII is **GRANTED**; and
2. Defendant's Motion to Dismiss Plaintiff's state law tort claims in Counts I, II, III, and IV on the grounds that the Court lacks subject matter jurisdiction is **DENIED**.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter
RONALD L. BUCKWALTER, S.J.